

RORY T. THIBAUT
STATE'S ATTORNEY

KRISTIN GOZZI
SR. DEPUTY STATE'S ATTORNEY

BRIDGET GRACE
TIMOTHY LUEDERS-DUMONT
JENNIFER NEYENHOUSE
ALFONSO VILLEGAS
DEPUTY STATE'S ATTORNEYS



STATE OF VERMONT
OFFICE OF THE
WASHINGTON COUNTY STATE'S ATTORNEY
255 NORTH MAIN STREET, SUITE 9
BARRE, VT 05641-4163
TELEPHONE: (802) 479-4220
FAX: (802) 479-4408

SUSAN SABENS
ELIZABETH HEBERT
ADMINISTRATION & SUPPORT

HOLLY LEACH
MELISSA BICKELMAN
VICTIM ADVOCATES

TODD PROTZMAN
INVESTIGATOR

POLICY MEMORANDUM

Addressing Issues related to the Termination of Economic Services General Assistance and Temporary Housing for Homeless Individuals

Background

On or about July 1, 2021, a significant proportion of the more than 200 individuals who have been receiving Department of Economic Services vouchers for emergency housing are due to lose eligibility. The change in policy is based on changes in legal and fiscal authority under the State's COVID-19 response.

It is anticipated that many individuals will be unable to secure or locate suitable permanent or temporary housing, and will, therefore be left with the options of (1) outdoor camping, (2) relying on family or friends, or (3) limited shelter space. It is further believed that some individuals may refuse to leave their current motel settings, with some individuals having continually occupied the same units for more than a year.

This policy memorandum reinforces the reference policy, entitled "Considerations for Dealing with Homeless, Transient, and Vulnerable Populations," and further provides recommendations for minimizing the role of the criminal justice system in resolving incidents where individuals refuse to vacate rooms. This policy is premised upon the following principles:

- The criminal justice system is poorly equipped to address the underlying issue of lack of housing, and an improper mechanism to do so;
- Utilizing traditional criminal justice remedies, such as incarceration or fines, will only serve to exacerbate the difficult circumstances individuals facing homelessness are already experiencing;
- Loss of housing for at-risk individuals is likely to create new public safety risks that State agencies have insufficiently considered in the rapid transition of this program. Local agencies, municipalities, and law enforcement are highly likely to be forced into serving as systems of last resort to minimize, mitigate, or address the suffering and welfare of a local homeless population in addition to others placed in Washington County from other areas through the program;
- The State has contracted with the Lamoille County Sheriff's Department and private security to provide support to this program.

References

9 V.S.A. §§ 4451-4452

WCSAO Policy Memorandum: Considerations for Dealing with Homeless, Transient, and Vulnerable Populations

WCSAO Policy Memorandum: Direct Referrals to Community Justice Centers

WCSAO Policy Memorandum: Guiding Principles for Effective Prosecution

Recommended Protocol for Handling Holdover/Unlawful Trespass Situations

Pursuant to 9 V.S.A. § 4452(8) “transient occupancy in a hotel, motel, or lodgings during the time the occupant is a recipient of General Assistance or Emergency Assistance temporary housing assistance” is specifically excluded from the scope of residential rental agreements. Accordingly, traditional civil process to effectuate eviction or ejection from a property is not required.

In the event individuals refuse to leave a hotel/motel room or other unit provided for under the State temporary housing assistance program, the following protocol is recommended:

1. The hotel/motel owner, or his or her agent, serves notice of trespass upon the individual(s).
2. The program coordinator for the Department for Children and Families Economic Services Division is informed.
3. All matters concerning removal or enforcement of a notice against trespass should be handled through the contracted security and law enforcement agency (Lamoille County Sheriff’s Department) tasked with supporting this program.
4. Local law enforcement agencies should not engage in this process, unless there is a concurrent or intervening public safety concern.

If there are circumstances where Washington County law enforcement personnel are required to intervene in an unlawful trespass situation based on an overstay, the following protocol is required prior to submission of a case for prosecution:

1. The individual will be directed to leave, and if he/she/they refuse, a citation for unlawful trespass will be issued for the second Thursday following the incident (2-week turnaround).
2. Officers/Troopers/Deputies shall document what efforts to obtain compliance were attempted prior to law enforcement intervention, to include why the matter could not be handled by contracted law enforcement or security.
3. Cases will be declined if there is proof of compliance prior to the citation date.
4. Officers/Troopers/Deputies may make referrals to other service agencies or the Community Justice Center at their discretion in lieu of issuing a criminal citation.

The protocol outlined above will also apply to circumstances where a non-local law enforcement agency determines that a criminal citation is appropriate.

Use of V.R.Cr.P. 3 authority to effectuate arrest of an individual on the basis of a witnessed misdemeanor is strongly discouraged, unless there is some other independent action, offense, or circumstance that presents a threat to public safety or public order. It is the goal of this office that local law enforcement intervention be minimal and only when necessary in the context of removal or unlawful trespass situations.

APPROVED June 30, 2021

Distribution:

Washington County Law Enforcement